

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DALE ROBERTSON,

Plaintiff,

-against-

JACQUELINE FLUERINORD; ET AL.,

Defendants.

23-CV-4977 (JGK)

ORDER OF SERVICE

JOHN G. KOELTL, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under 42 U.S.C. § 1983. By order dated June 14, 2023, the Court granted Plaintiff's request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees. On January 5, 2024, Plaintiff filed an amended complaint adding new defendant(s). (ECF 24.) The amended complaint has not yet been served on Defendants Elmsford Police Department and Elmsford Police Department officers Anthony Lopez and Christopher Bujarski ("the Elmsford Defendants"). After a telephone conference on February 8, 2024, the Court ordered Plaintiff to file a second amended complaint by February 23, 2024. (ECF 31.) To date, no second amended complaint has been filed, and the Court granted Defendants' requests for an extension of the deadline to file motions to dismiss the amended complaint until 21 days after service of the amended complaint on the Elmsford Defendants (ECF 33, 35.)

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendant Officer John Theos through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for this Defendant. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendant.

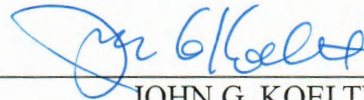
If the amended complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

Dated:

New York, New York

3/21/24



JOHN G. KOELTL
United States District Judge

DEFENDANT AND SERVICE ADDRESS

Officer Anthony Lopez
Shield No. 47
Elmsford Village Police Department
15 South Stone Avenue,
Elmsford, New York 10523

Officer Christopher Bujarski
Shield No. 51
Elmsford Village Police Department
15 South Stone Avenue,
Elmsford, New York 10523

Elmsford Village Police Department
15 South Stone Avenue,
Elmsford, New York 10523